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VIA HAND DELIVERY JANUARY 28, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Choi et al.

Attorney Docket No.: PB340P2C3

Application Serial No.: 09/765,271

Art Unit: 1645

Filed: January 22, 2001

Examiner: Duffy, P.A.

Title: *Streptococcus pneumoniae* Antigens and Vaccines

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Abandonment mailed January 9, 2003 (Paper No. 5), Applicants hereby petition to have the holding of abandonment withdrawn. The Notice of Abandonment indicates that the reason for a holding of abandonment is "Applicant's failure to timely file a proper reply to the Office letter mailed on Jun 7, 2002."

Applicants respectfully assert that the Notice of Abandonment was issued in error, as a timely reply to the Office Action mailed June 7, 2002 was filed via facsimile transmission on October 7, 2002, with a proper petition for an extension of time to and including October 7, 2002. In support of this assertion, Applicants submit concurrently herewith (as Exhibit A) a copy of a Fax Confirmation Report evidencing transmission to the Patent and Trademark Office on October 7, 2002, at 9:29 p.m. of the following listed documents (six pages total):

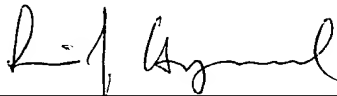
1. Fax Cover Sheet
2. Fee Transmittal Sheet
3. Petition for an Extension of Time (three months up to and including October 7, 2002)
4. Provisional Election With Traverse Under 37 C.F.R. § 1.143
5. Certificate of Transmission Under 37 C.F.R. § 1.8

Applicants also attach copies of each of the above listed documents as Exhibit B.

Applicants submit that the evidence described above warrants the granting of the instant petition to have the holding of abandonment for the instant application withdrawn, and an early notice to that effect is urged. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant is required.

Applicants believe that no fee is believed due for this submission (*see* 37 C.F.R. § 1.181; M.P.E.P. 711.03(c)). However, if there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Respectfully submitted,



Dated: January 28, 2003

Lin J. Hymel (Reg. No. 45,414)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
Telephone: (301) 251-6015

Enclosures